



DEPARTMENT OF TRANSPORTATION
HAZARDOUS MATERIALS REGULATIONS BOARD
WASHINGTON, D.C. 20590

7561

[Docket No. HM-107; Amdts. 173-71, 177-25]

PART 173—SHIPPERS

**PART 177—SHIPMENTS MADE BY WAY OF
COMMON, CONTRACT, OR PRIVATE
CARRIERS BY PUBLIC HIGHWAY**

**Department of Defense Material Sold to a
Shipper**

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to permit shipment of hazardous materials sold by the Department of Defense in packagings of equal or greater strength and efficiency than those specified for hazardous materials in 49 CFR Parts 170-189.

At the present time, the Hazardous Materials Regulations Board is receiving a substantial number of requests for special permits to allow shipment of materials bought from the Department of Defense that would be other than " * * * offered by or consigned to the Departments of the Army, Navy, and Air Force of the United States Government." It has been recently substantiated that many of these materials are in packagings that meet or exceed the requirements of Parts 173 and 178. However, the packagings are marked only in conformance with military specifications that correspond to Department of Transportation specifications.

This amendment permits the Department of Defense to execute certificates to indicate that packagings meet or exceed corresponding specifications of this Department. Since this amendment imposes no added burden on any person and no discernible change is being made in the level of safety requirements for shipments to which it pertains, notice and public procedure are unnecessary.

In consideration of the foregoing, 49 CFR Parts 173 and 177 are amended as follows:

I. Part 173, Shippers, is amended as follows:

(A) In Part 173 table of contents, § 173.7 is amended to read as follows:

§ 173.7 U.S. Government material.

(B) In § 173.7, the heading and paragraph (a) are amended to read as follows:

§ 173.7 U.S. Government material.

(a) Shipments of hazardous materials offered by or consigned to the Department of Defense (DOD) of the U.S. Government must be packaged, including limitations of weight, in accordance with the regulations in this subchapter or in containers of equal or greater strength and efficiency as required by DOD regulations.

(1) Hazardous materials sold by the DOD in packagings that are not marked in accordance with the requirements of this subchapter may be shipped from DOD installations if the DOD certifies in writ-

ing that the packagings are equal to or greater in strength and efficiency than the packaging prescribed in this subchapter. The shipper shall obtain such a certification in duplicate for each shipment. He shall give one copy to the originating carrier and retain the other for no less than 1 year.

* * * * *

II. Part 177, Shipments made by way of common, contract, or private carriers by public highway, is amended as follows:

(A) In Part 177 table of contents, § 177.806 is amended to read as follows:
Sec.

177.806 U.S. Government material.

(B) In § 177.806, the heading and paragraph (a) are amended to read as follows:

§ 177.806 U.S. Government material.

(a) Shipments of hazardous materials offered by or consigned to the Department of Defense (DOD) of the U.S. Government must be packaged, including limitations of weight, in accordance with the regulations in this subchapter or in containers of equal or greater strength and efficiency as required by DOD regulations.

(1) Hazardous materials sold by the DOD in packagings that are not marked in accordance with the requirements of this subchapter may be shipped from DOD installations if the DOD certifies in writing that the packagings are equal to or greater in strength and efficiency than the packaging prescribed in this subchapter. The shipper shall obtain such a certification in duplicate for each shipment. He shall give one copy to the originating carrier and retain the other for no less than 1 year.

* * * * *

This amendment is effective June 30, 1973. However, compliance with the regulations, as amended herein, is authorized immediately.

(Secs. 831-835, title 18, United States Code; sec. 9, Department of Transportation Act, 49 U.S.C. 1657; title VI sec. 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421-1430, 1472(h), 1655(c))

Issued in Washington, D.C., on March 16, 1973.

C. R. MELUGIN, Jr.,
*Acting Board Member for the
Federal Aviation Administration.*

KENNETH L. PIERSON,
*Alternate Board Member for the
Federal Highway Administration.*

MAC E. ROGERS,
*Board Member for the
Federal Railroad Administration.*

[FR Doc. 73-5578 Filed 3-22-73; 8:45 am]